

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON
AT RICHLAND

JOHN DEHART,

Plaintiff,

vs.

STATE FARM MUTUAL
AUTOMOBILE INSURANCE
COMPANY, a foreign corporation,

Defendant.

NO. _____

NOTICE OF REMOVAL

Clerk's Action Required

(FROM THE SUPERIOR COURT OF
THE STATE OF WASHINGTON
FOR BENTON COUNTY, CAUSE
NO. _____)

TO: The Judges and Clerk of the United States District Court in and for the
Eastern District of Washington at Richland;

AND TO: John DeHart, plaintiff;

AND TO: David R. Hevel and Smart Law Offices, his attorneys.

Defendant State Farm Mutual Automobile Insurance Company ("State
Farm") hereby gives notice that this action is removed to the United States District
Court for the Eastern District of Washington at Richland from the Superior Court

NOTICE OF REMOVAL –
NO. _____

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of Washington, in and for Benton County. Pursuant to 28 U.S.C. § 1441, State Farm further states as follows:

1. **State Court Action:** State Farm is a defendant in a civil action pending in the Superior Court of Washington, in and for Benton County, styled *John DeHart v. State Farm Mutual Automobile Insurance Company*(the “State Court Action”). Plaintiff has not yet filed the Complaint in state court, but the action became removable on January 24, 2022 when State Farm received the pending Complaint.

2. **Commencement of State Court Action:** The State Court Action was commenced when plaintiff’s Summons and Complaint were received by State Farm, on or about January 24, 2022. This Notice of Removal is timely, in that it is being filed within thirty (30) days of service of the Complaint upon State Farm. State Farm has not filed any pleadings in this case in the Superior Court to date.

3. **Record in State Court:** The following pleadings constitute all of the process, pleadings and orders received by State Farm in this action up to the present time:

- Insurance Commissioner’s Certificate of Service;
- Summons;
- CSC Notice of Service of Process;
- Complaint.

4. A true and correct copy of plaintiff’s Complaint is attached hereto as Exhibit A. True and correct copies of the above pleadings are attached to the Declaration of Vasudev N. Addanki Regarding Records and Proceedings in State Court as Exhibit 1.

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1 **5. Diversity of Citizenship is Basis for Federal Court Jurisdiction:**

2 This dispute between plaintiff and State Farm is a controversy between citizens of
3 different states.

4 6. Plaintiff is a resident of Benton County, and at all times material
5 hereto maintained his principal place of residence in Benton County, Washington.

6 7. State Farm is, and at all material times has been, incorporated under
7 the laws of the State of Illinois with its principal place of business in McLean
8 County, Illinois.

9 8. Complete diversity exists between plaintiff and State Farm.

10 9. **Nature and Description of Case:** The above-entitled action is a civil
11 action seeking damages for breach of contract and tortious conduct.

12 10. **Amount in Controversy:** The amount in controversy is expressly set
13 forth in plaintiff's Complaint as at least \$100,000 (¶¶ 3.6, 3.9, and prayer for relief
14 of Complaint). State Farm therefore asserts that the monetary value relief plaintiff
15 seeks in this action exceeds \$75,000, for the above reasons as well as the following
16 reasons:

17 a. entry of judgment for plaintiff may result in indemnification
18 obligations exceeding \$75,000;

19 b. plaintiff seeks monetary damages for the alleged bad faith of
20 State Farm;

21 c. plaintiff seeks an award of treble damages pursuant to
22 RCW Ch. 19.86, which damages may equal the statutory limit of \$25,000;

23 d. plaintiff seeks prejudgment interest; and

24 e. plaintiff seeks an award of reasonable attorneys' fees and costs.
25

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1 11. Taking all these factors into consideration, State Farm asserts plaintiff
2 seeks damages and other recoveries counting toward the jurisdictional minimum,
3 aggregating well in excess of \$75,000.

4 12. **Applicable Statutes:** This is a civil action over which this Court has
5 original jurisdiction pursuant to 28 U.S.C. § 1332, and the action is removable
6 pursuant to 28 U.S.C. § 1441(b).

7 13. **Concurrent Notice to State Court:** State Farm is concurrently filing
8 a copy of this Notice of Removal with the Clerk of the Benton County Superior
9 Court, pursuant to 28 U.S.C. § 1446(d).

10 DATED this 23rd day of February, 2022.

11 BETTS, PATTERSON & MINES, P.S.
12

13 By /s/ Vasudev N. Addanki
14 Vasudev N. Addanki, WSBA #41055
15 Danielle N. McKenzie, WSBA #49715
16 Betts, Patterson & Mines, P.S.
17 One Convention Place, Suite 1400
18 701 Pike Street
19 Seattle WA 98101-3927
20 Telephone: (206) 292-9988
21 Facsimile: (206) 343-7053
22 E-mail: vaddanki@bpmlaw.com
23 E-mail: dmckenzie@bpmlaw.com

24 Attorneys for Defendant State Farm
25 Mutual Automobile Insurance
Company

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CERTIFICATE OF SERVICE

I, Vasudev N. Addanki, hereby certify that on February 23, 2022, I electronically filed the following:

- **Notice Of Removal; and**
- **Certificate of Service;**

with the Court using the CM/ECF system which will send notification of such filing to the following:

Counsel for Plaintiff:

David R. Hevel
Smart Law Offices
309 N. Delaware Street, #7750
Kennewick, WA 99336
(509) 735-5555
dhevel@smartlawoffices.com

Dated this 23rd day of February, 2022.

BETTS, PATTERSON & MINES, P.S.

By /s Vasudev N. Addanki
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Mutual Automobile Insurance
Company

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